

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**DASSAULT SYSTÈMES SOLIDWORKS  
CORPORATION,**

**Plaintiff,**

**v.**

**LARSON ELECTRONICS, LLC and JOHN  
DOE,**

**Defendants.**

**C.A. No. 3:19-cv-02401-N**

**PATENT CASE**

**JURY TRIAL DEMANDED**

**DEFENDANT LARSON ELECTRONICS, LLC'S ANSWER, AFFIRMATIVE  
DEFENSES, AND COUNTERCLAIMS TO PLAINTIFF'S COMPLAINT**

Defendant Larson Electronics, LLC files this, its Answer, Affirmative Defenses, and Counterclaims to Plaintiff Dassault Systèmes SolidWorks Corporation's Complaint. Defendant denies the allegations and characterizations in Plaintiff's Complaint unless expressly admitted in the following paragraphs.<sup>1</sup>

**NATURE OF THE ACTION**

Larson Electronics admits that the Complaint purports to set forth an action for copyright infringement, but Larson Electronics denies it has committed or is committing acts of infringement and denies Plaintiff is entitled to any relief. Larson Electronics denies any remaining allegations in Plaintiff's Nature of the Action.

**THE PARTIES**

1. Larson Electronics is without knowledge or information sufficient to form a belief

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<sup>1</sup> For avoidance of doubt, Defendant denies liability for all allegations of copyright infringement and circumvention of technological measures included or implied in the introductory paragraph or in any headings of the Complaint.

as to the truth of the allegations in Paragraph 1 of the Complaint and, on that basis, denies all such allegations.

2. Larson Electronics admits the allegations in Paragraph 2 of the Complaint.

3. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Complaint and, on that basis, denies all such allegations.

### **JURISDICTION AND VENUE**

4. Larson Electronics admits that the Complaint purports to set forth an action for copyright infringement under 17 U.S.C. § 101, *et seq.* Larson Electronics denies any remaining allegations in Paragraph 4 of the Complaint.

5. Larson Electronics admits that this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff has alleged infringement of a patent, but Larson Electronics denies it has committed or is committing acts of infringement and denies Plaintiff is entitled to any relief. Larson Electronics denies any remaining allegations in Paragraph 5 of the Complaint.

6. Larson Electronics does not contest whether personal jurisdiction over it properly lies in this District in this case and therefore admits the allegations in Paragraph 6 of the Complaint.

7. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Complaint and, on that basis, denies all such allegations.

8. Larson Electronics does not contest whether venue is proper in this District in this case and therefore admits the allegations in Paragraph 8 of the Complaint.

## **BACKGROUND**

### **DS SolidWorks and the [Alleged] Copyrighted Works**

9. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Complaint and, on that basis, denies all such allegations.

10. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Complaint and, on that basis, denies all such allegations.

11. Larson Electronics admits that a purported copy of U.S. Copyright Registration Nos. TX0005225647 entitled “SolidWorks 2000 : pt. 1,” TX0005666476 entitled “SolidWorks 2001 plus,” TX0005725523 entitled “Solidworks,” TX0008101716 entitled “SolidWorks 2015,” TX0008284758 entitled “SolidWorks 2016,” and TX0008540002 entitled “SOLIDWORKS 2018” are attached to the Complaint as Exhibit 1. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 11 and, on that basis, denies all such allegations.

### **[Alleged] Detection of Infringement by Defendants**

12. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Complaint and, on that basis, denies all such allegations.

13. Larson Electronics denies the allegations in Paragraph 13 of the Complaint.

14. Larson Electronics denies the allegations in Paragraph 14 of the Complaint.

15. Larson Electronics admits that IP Address 67.133.191.2 is registered to Larson Electronics, but Larson Electronics denies that it has committed or is committing acts of

infringement in this District or elsewhere and, on that basis, denies any remaining allegations in Paragraph 15 of the Complaint.

16. Larson Electronics admits that IP Address 67.133.191.2 is used by Larson Electronics, but Larson Electronics denies that it has committed or is committing acts of infringement in this District or elsewhere and, on that basis, denies any remaining allegations in Paragraph 16 of the Complaint.

17. Larson Electronics denies the allegations in Paragraph 17 of the Complaint.

18. Larson Electronics denies the allegations in Paragraph 18 of the Complaint.

19. Larson Electronics denies the allegations in Paragraph 19 of the Complaint.

**[Alleged] Infringement by Larson Electronics and Doe**

20. Larson Electronics denies the allegations in Paragraph 20 of the Complaint.

21. Larson Electronics denies the allegations in Paragraph 21 of the Complaint.

22. Larson Electronics denies the allegations in Paragraph 22 of the Complaint.

23. Larson Electronics denies the allegations in Paragraph 23 of the Complaint.

24. Larson Electronics denies the allegations in Paragraph 24 of the Complaint.

25. Larson Electronics denies the allegations in Paragraph 25 of the Complaint.

26. Larson Electronics admits that the webpage at <https://www.larsonelectronics.com/about> states that Larson Electronics' mission is to "provide customers with high quality industrial lighting products through reliable sales support and expedited delivery services." Larson Electronics denies that it has committed or is committing acts of infringement in this District or elsewhere and, on that basis, denies any remaining allegations in Paragraph 26 of the Complaint.

27. Larson Electronics denies the allegations in Paragraph 27 of the Complaint.

28. Larson Electronics admits that it purchased certain licenses related to the SOLIDWORKS software at issue, but denies the remaining allegations of Paragraph 28.

29. Larson Electronics denies the allegations in Paragraph 29 of the Complaint.

30. Larson Electronics denies the allegations in Paragraph 30 of the Complaint.

31. Larson Electronics denies the allegations in Paragraph 31 of the Complaint.

**[Alleged] Notice of Infringement To Defendants**

32. Larson Electronics admits that a purported copy of a letter addressed to Mr. Rob Bresnahan bearing a date of January 3, 2019, is attached to the Complaint as Exhibit 2. Larson Electronics denies the remaining allegations in Paragraph 32 of the Complaint.

33. Larson Electronics denies the allegations in Paragraph 33 of the Complaint.

34. Larson Electronics admits that a purported copy of a letter addressed to Mr. Rob Bresnahan bearing a date of January 16, 2019, is attached to the Complaint as Exhibit 3. Larson Electronics denies the remaining allegations in Paragraph 34 of the Complaint.

35. Larson Electronics admits that it communicated with DS SolidWorks multiple times starting in June 2019. Larson Electronics denies that it has committed or is committing acts of infringement in this District or elsewhere and, on that basis, denies the remaining allegations in Paragraph 35 of the Complaint.

**COUNT I**

**[ALLEGED] FEDERAL COPYRIGHT INFRINGEMENT (17 U.S.C. § 501)**  
**(against all Defendants)**

36. Larson Electronics incorporates by reference each of its responses set forth in Paragraphs 1–35 above as if fully set forth herein.

37. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 37 of the Complaint and, on that basis, denies all

such allegations.

38. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 38 of the Complaint and, on that basis, denies all such allegations.

39. Larson Electronics denies the allegations in Paragraph 39 of the Complaint.

40. Larson Electronics denies the allegations in Paragraph 40 of the Complaint.

41. Larson Electronics denies the allegations in Paragraph 41 of the Complaint.

42. Larson Electronics denies the allegations in Paragraph 42 of the Complaint.

43. Larson Electronics denies the allegations in Paragraph 43 of the Complaint.

44. Larson Electronics denies the allegations in Paragraph 44 of the Complaint.

45. Larson Electronics denies the allegations in Paragraph 45 of the Complaint.

## **COUNT II**

### **[ALLEGED] CIRCUMVENTION OF TECHNOLOGICAL MEASURES**

**(17 U.S.C. § 1201)**

**(against all Defendants)**

46. Larson Electronics incorporates by reference each of its responses set forth in Paragraphs 1–45 above as if fully set forth herein.

47. Larson Electronics is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 47 of the Complaint and, on that basis, denies all such allegations.

48. Larson Electronics denies the allegations in Paragraph 48 of the Complaint.

49. Larson Electronics denies the allegations in Paragraph 49 of the Complaint.

50. Larson Electronics denies the allegations in Paragraph 50 of the Complaint.

51. Larson Electronics denies the allegations in Paragraph 51 of the Complaint.

52. Larson Electronics denies the allegations in Paragraph 52 of the Complaint.

53. Larson Electronics denies the allegations in Paragraph 53 of the Complaint.

**[PLAINTIFF'S] PRAYER FOR RELIEF**

Larson Electronics denies that Plaintiff is entitled to any relief from Larson Electronics and denies all the allegations contained in Paragraphs (A)–(G) of Plaintiff's Prayer for Relief.

**[PLAINTIFF'S] DEMAND FOR A JURY TRIAL**

Larson Electronics is not required to provide a response to Plaintiff's request for trial by jury.

**AFFIRMATIVE DEFENSES**

Larson Electronics' Affirmative Defenses are listed below. Larson Electronics reserve the right to amend their answer to add additional Affirmative Defenses consistent with the facts discovered in this case.

**FIRST AFFIRMATIVE DEFENSE**

Larson Electronics has not infringed, does not infringe, and is not liable for infringement of any valid, enforceable copyright, or copyright rights of Plaintiff, including, without limitation, the purported copyright registrations attached to the Complaint as Exhibit 1.

**SECOND AFFIRMATIVE DEFENSE**

Plaintiff's copyright claims are barred by the doctrine of fair use.

**THIRD AFFIRMATIVE DEFENSE**

Plaintiff's copyright claims are barred due to copyright invalidity to the extent that Plaintiff claims rights to works that are functional, are not original, were not authored by Plaintiff, or are otherwise not protectable by copyright.

**FOURTH AFFIRMATIVE DEFENSE**

Plaintiff's copyright claims are barred because Larson Electronics has an express or implied license to use the SOLIDWORKS software at issue.

**FIFTH AFFIRMATIVE DEFENSE**

Plaintiff has an adequate remedy at law and is not entitled to injunctive relief because it is unlikely to succeed on the merits, unlikely to suffer irreparable harm, the balance of equities tips in favor of Larson Electronics, and an injunction is not in the public interest.

**SIXTH AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state a claim upon which relief can be granted because, among other things, Plaintiff has not alleged facts sufficient to constitute a cause of action against Larson Electronics.

**SEVENTH AFFIRMATIVE DEFENSE**

Plaintiff's claims for relief are barred by the statute of limitations under at least 17 U.S.C. § 507(b).

**EIGHTH AFFIRMATIVE DEFENSE**

Any alleged copyright infringement is innocent on the part of Larson Electronics pursuant to 17 U.S.C. § 504(c)(2).

**LARSON ELECTRONICS' COUNTERCLAIMS**

For its counterclaims against Plaintiff Dassault Systèmes SolidWorks Corporation, Counterclaim Plaintiff Larson Electronics, LLC alleges as follows:

**PARTIES**

1. Counterclaim Plaintiff Larson Electronics, LLC is a corporation organized and existing under the laws of the State of Texas, with a principal place of business at a principle office at 9419 E. US HWY 175, Kemp, TX 75143.

2. Upon information and belief based solely on Paragraph 1 of the Complaint as pled by Plaintiff, Counterclaim Defendant Dassault Systèmes SolidWorks Corporation ("DS SolidWorks") is a Delaware corporation with a principal place of business at 175 Wyman Street,



Waltham, MA 02451-1223.

**JURISDICTION**

3. Larson Electronics incorporates by reference Paragraphs 1–2 above.

4. These counterclaims arise under the copyright laws of the United States, Title 17, United States Code. The jurisdiction of this Court is proper under at least 17 U.S.C. § 501 *et seq.*, and 28 U.S.C. §§ 1331, 1338, 1367, and 2201–02.

5. DS SolidWorks has consented to the personal jurisdiction of this Court at least by commencing its action for patent infringement in this District, as set forth in its Complaint.

6. Based solely on DS SolidWorks’ filing of this action, venue is proper for purposes of these counterclaims, though not necessarily convenient, in this District pursuant at least 28 U.S.C. §§ 1391 and 1400.

**COUNT I**  
**DECLARATION REGARDING NON-INFRINGEMENT**

7. Larson Electronics incorporates by reference Paragraphs 1–6 above.

8. Based on DS SolidWorks’ filing of this action and at least Larson Electronics’ first affirmative defense, an actual controversy has arisen and now exists between the parties as to whether Larson Electronics infringes the SOLIDWORKS software at issue.

9. Any use by Larson Electronics of the SOLIDWORKS software at issue has been fully authorized according to licenses procured from DS SolidWorks.

10. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and 17 U.S.C. § 501 *et seq.*, Larson Electronics requests a declaration by the Court that it has not infringed, is not infringing, and is not liable for infringing any valid copyrights owned or enforceable by DS SolidWorks.

**COUNT II**  
**DECLARATION REGARDING INVALIDITY**

11. Larson Electronics incorporates by reference Paragraphs 1–11 above.

12. Based on DS SolidWorks' filing of this action and at least Larson Electronics' Third Affirmative Defense, an actual controversy has arisen and now exists between the parties as to the validity of the asserted copyrights purportedly owned or enforceable by DS SolidWorks.

13. The asserted copyrights purportedly owned or enforceable by DS SolidWorks are invalid to the extent that they claim rights to works that are functional, are not original, were not authored by Plaintiff, or are otherwise not protectable by copyright.

14. Pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, Larson Electronics requests a declaration by the Court that U.S. Copyright Registration Nos. TX0005225647, TX0005666476, TX0005725523, TX0008101716, TX0008284758, and TX0008540002 are invalid for failure to comply with one or more of the requirements of United States Code, Title 17.

**PRAYER FOR RELIEF**

WHEREFORE, Larson Electronics asks this Court to enter judgment in Larson Electronics' favor and against DS SolidWorks by granting the following relief:

a) a declaration that Larson Electronics does not infringe, under any theory, DS SolidWorks' alleged copyrights;

b) a declaration that U.S. Copyright Registration Nos. TX0005225647, TX0005666476, TX0005725523, TX0008101716, TX0008284758, and TX0008540002 are invalid;

c) a declaration that DS SolidWorks take nothing by its Complaint;

- d) judgment against DS SolidWorks and in favor of Larson Electronics;
- e) dismissal of the Complaint with prejudice;
- f) an award to Larson Electronics of its costs and attorneys' fees incurred in this action under 17 U.S.C. § 505; and
- g) further relief as the Court may deem just and proper.

**JURY DEMAND**

Larson Electronics hereby demands trial by jury on all issues.

Dated: February 21, 2020

Respectfully submitted,

**FISH & RICHARDSON P.C.**

By: /s/ Lance Wyatt

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**COUNSEL FOR DEFENDANT  
LARSON ELECTRONICS, LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on February 21, 2020, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ Lance Wyatt

Lance Wyatt